

REMARKS

This Amendment is filed in response to the final Office action mailed on October 10, 2004 (the "Office Action"). The Office Action rejected all of pending claims 1-54. Reconsideration and allowance of the pending claims is respectfully requested.

REQUEST FOR REVIEW OF INFORMATION DISCLOSURE STATEMENTS

On February 4, 2003, the Applicants submitted four Information Disclosure Statements (IDSs) in this application through the Patent Office's electronic filing system. Copies of the Acknowledgment Receipts of these IDSs are attached hereto as Attachment A. The Office Action did not provide any indication that these IDSs have been considered, and therefore the Applicants respectfully request prompt consideration of the references cited in these IDSs, and written confirmation thereof.

AMENDMENTS TO THE SPECIFICATION AND CLAIMS

The specification and claims 12 and 24 are amended herein to correct typographical errors. Claims 13 and 40 have been amended to specify that the step or instructions for determining whether the partner system resources are discriminated is performed in response to the request to access the partner system resources. Support for this amendment is found in the specification at, for example, page 6, lines 6 to 15 and page 16, line 13 to page 17, line 13. No new matter is added by these amendments.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-54 stand rejected as allegedly being anticipated under 35 U.S.C. § 102(b) by Messer (U.S. Pat. No. 5,991,740). As explained in the following comments, the Applicants respectfully traverse the rejection and request reconsideration and allowance of all of the pending claims.

Messer discloses a system for paying commissions for sales referrals through banner ads on internet websites. *See* Messer, col. 4, ll. 47-59. This system includes three main entities that each operate their own servers: a site owner, a merchant, and a clearinghouse. The clearinghouse serves two main functions. First, it provides a

meeting place where the site owners and merchants can establish advertising arrangements in which the site owners advertise the merchants' websites or goods on the site owners' websites. *Id.* at col. 6, l. 15 - col. 8, l. 30. Second, the clearinghouse tracks the use of the advertisements by system browsers (called "USERS" in Messer), to determine whether the USERS select the merchants' advertisements and whether they ultimately purchase goods from the merchant, in order to credit site owners for referrals that result in sales. *Id.* at col. 8, l. 44 - col. 9, l. 42.

In contrast, the claims of the present invention are directed towards providing discriminated content to network users. In a first method and system, recited in claims 1 and 28 (and claims depending therefrom), the claims require a host system that *identifies the user* and identifies *discriminated* partner system resources that are associated with both the host system *and with the user*. In a second method and system, found in claims 13 and 40, the claims recite receiving a request to access partner system resources, *determining whether the partner system resources are discriminated*, and, if not, *modifying* the partner system resources to be *discriminated*. These and various other features and aspects of the present claims are entirely absent from the Messer reference.

With regard to independent claims 1 and 28, the Examiner alleges that Messer discloses "identifying discriminated partner system resources associated with said host system and with said user (see col. 4, lines 47-55, col. 5, lines 18-27)." The Applicants respectfully disagree. Messer does not provide any disclosure or suggestion for the host system to identify resources that are *associated with the user*. Instead, the site owner systems of Messer select the merchant advertisements based *solely* on their pre-existing relationships with the merchants, and Messer does not teach or reasonably suggest considering the identity of the *particular user* when determining which merchant advertisement to display.

The citations provided by the Examiner do not support the rejection. The first citation, to col. 5, ll. 47-55, merely states that site owners can place merchants' banner

ads on their websites that USERS can use to access the merchant websites. This citation says nothing about selecting which banner ads are placed on the site owner website *based on the identity of the user*. The second citation, to col. 5, ll. 18-27, describes presenting a banner ad to a USER and then placing a “cookie” on the USER’s system if the user uses the banner ad to link to the associated merchant’s system. Again, this citation says nothing about selecting *which* banner ads to present to the user *based on the identity of the user*. As such, claims 1 and 28, and the claims depending therefrom, are clearly not anticipated or rendered obvious by Messer.

With regard to independent claims 13 and 40, the Examiner alleges that Messer discloses the step of “determining whether said partner system resources are discriminated; and modifying said partner system resources to be discriminated partner system resources if it is determined that said partner system resources are not discriminated (see col. 4, lines 47-55, col. 5, lines 18-27).” The Applicants respectfully disagree because Messer fails to disclose the steps of *determining, in response to a request to access partner resources*, whether a partner system resource is discriminated (i.e., supplemented, modified, filtered or otherwise selectively retrieved in a way to support or bolster the business relationship between the host, the partner, the user or all three — see Specification p. 7, l. 20 - p. 8, l. 8), then *modifying* the resource if it is found to not be discriminated. Instead, Messer simply shows a system in which the site owners and merchants establish, prior to any interaction with the users, the ad banners that will be displayed on the site owners’ websites. Indeed, it is not clear that Messer even anticipates the generation of discriminated resources under any circumstances.

Here again, the citations provided by the Examiner fail to support the rejection. As noted before, the citation to col. 5, ll. 47-55, merely states that site owners can place merchants’ banner ads on their websites that USERS can use to access the merchant websites, and the citation to col. 5, ll. 18-27 describes presenting a banner ad to a USER and then placing a “cookie” on the USER’s system if the user uses the banner ad to link to the associated merchant’s system. Neither of these citations teaches or reasonably

suggests that the system should *determine, in response to a request to access partner system resources*, whether the partner resources are *discriminated*, then *modifying* them if they are not. As such, claims 13 and 40, and the claims depending therefrom, are clearly not anticipated or rendered obvious by Messer.

While the Applicants believe the foregoing distinctions of the independent claims are sufficient to demonstrate the patentability of all of the claims, various rejections of dependent claims bear further comments.

With regard to claims 9, 21, 36, and 48, the Examiner cites to col. 5, ll. 18-27 and col. 8, ll. 52-67 and alleges that Messer illustrates the feature of user data comprising authentication data provided by a single sign on authentication system. However, the cited portion of Messer merely states that the user's identity is stored by the clearinghouse. This citation (and the rest of Messer) fail to disclose anything like a "single sign on authentication system," which is a term or art for a system that *verifies* the user's identity in a single step, and passes this verification on to subsequent requestors, as explained in the present specification. See Specification, p. 12, l. 14 to p. 13 l. 11. the citation to Messer says nothing about verifying the USER's identity and using a single verification result for subsequent verification queries — it simply states that the identity of the USER is somehow recorded (probably by recording the cookie placed on the USER's system). For at least these additional reasons, the Applicants respectfully request reconsideration and allowance of claims 9, 21, 36, and 48.

With regard to claims 10 and 37, the Examiner alleges that col. 4, lines 60-65 disclose that Messer identifies the user's credit card account number and selects a discriminated web page identified with the host system from a plurality of discriminated web pages. Although the cited portion of Messer states that a secured transaction may be used to *purchase* goods, Messer says nothing about identifying a user's credit card account number as part of the process of "identifying discriminated partner system resources associated with the host system and the with said user," as required by the claims. As explained before, when a USER of the Messer system

accesses a site owner's web page, that USER will be presented with ad banners based *solely* on a predetermined agreement between the site owner and the merchants — *the selection of these ad banners is not based, in any way, on identifying the user's credit card number*. Messer also fails to describe having *a plurality of discriminated web pages* and selecting one of these *based on an association with the host and the user*. For at least these additional reasons, the Applicants respectfully request reconsideration and allowance of claims 10 and 37.

The Examiner also alleges that Messer at col. 4, lines 60-65, teaches the steps in claims 11 and 38 of identifying the user's credit card account number and creating discriminated partner system resources identified with the host system. Again the Applicants point out that these steps are performed as parts of the step of "identifying discriminated partner system resources associated with the host system and the with said user," and, as explained immediately above, Messer *says nothing about selecting what resources to show to a user based on the user's credit card account number*. Nor does Messer disclose *creating discriminated partner system resources* as part of the "identifying partner system resources" step. Instead, Messer only discloses having predetermined ad banners that are shown to *all* users, *regardless of their credit card account number*. For at least the foregoing additional reasons, the Applicants respectfully request reconsideration and allowance of claims 11 and 38.

Messer also fails to disclose or reasonably suggest the various features of claims 12 and 39: identifying graphical information used by the host system; replicating the graphical information; classifying the host system; identifying non-conflicting partner system resources that do not conflict with the host system's classification; and incorporating these into a standard partner system resource to create a discriminated partner system resource. All that Messer teaches about providing partner resources is that the site owner and merchant use the clearinghouse to determine, *prior to any interaction with the USERS*, which banner advertisements the site owners will display on their web sites. While Messer discloses that the site owner and merchant can co-

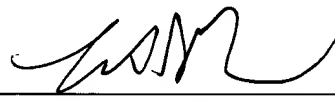
brand their products (*see* Messer, col. 9, l. 64 - col. 10, l. 5), Messer says absolutely nothing about performing the steps of claims 12 and 39 *based on the identity of the user*, as required by the claims from which claims 12 and 39 depend. The rejection of claims 24 and 51 is similarly deficient. For at least the foregoing additional reasons, the Applicants respectfully request reconsideration and allowance of claims 12, 24, 39 and 51.

CONCLUSION

The pending claims are believed to overcome the reference cited in the Office Action, and reconsideration and allowance thereof are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or by telephone, we would welcome the opportunity to do so.

Respectfully submitted,
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